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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,496	04/15/2004	John C. Sullivan	35502US1	8554

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
NGUYEN, KIEN T	

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,496	SULLIVAN ET AL.	
	Examiner	Art Unit	
	Kien T. Nguyen	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) *6-9,11-14,20,21,26-28,30,33-39,44,46-51 and 54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,10,15-19,22-25,29,31,32,40-45,52,53 and 55-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/21/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 15-18, 23-25, 31, 40, 41, 43, 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Lui U.S. Patent 6,729,930.

Lui disclosed a mounting display comprising a first mounting plate (32); a spring 26) having a first end portion secured to the first mounting plate such that the spring is perpendicular with respect to the plate; an image (34) secured to the first mounting plate; a second mounting plate (12) secured to a second end portion of the spring perpendicularly; the image is a photograph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 22, 32, 42, 52, 53, 55, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lui ('930).

Regarding claims 3 and 4, it is noted that Lui failed to specifically disclose the spring (26) being mounted to the mounting plate by epoxy resin. However, Lui clearly suggested that the spring fixedly mounted to the mounting plate and it is very well known in the art to use epoxy resin or any commercially available adhesive to fixedly mount a spring to a surface. Accordingly, it would have been a matter of design choice to use epoxy resin for mounting the spring (26) to the mounting plate (34) of Lui ('930) for the purpose of enhancing the bonding between the spring and the mounting plate.

Regarding claim 22, it would have been a matter of design choice to provide additional springs and images since such difference is merely a multiplication of the same part.

Regarding claims 32 and 42, it is noted that Lui ('930) failed to teach the specific dimension of the spring as set forth therein. However, such feature is merely a matter of design choice to accommodate any particular environment. Accordingly, it would have been obvious to one skilled in the art to provide the spring of Lui ('930) with any specific compressed height for the reason as set forth above.

Regarding claims 53, 55, 56, it is noted that Lui failed to teach the use of an adhesive layer and a removable film layer as set forth in these claims. However, the use of removable plastic film layer is very well known in the display and advertising technology. Accordingly, it would have been a matter of design choice to provide the mounting plate and photograph of Lui with any well known removable adhesive material for the purpose of allowing fast yet secured change of the images.

Claims 10, 45, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lui in view of Kubo et al U.S. Patent 6,394,874.

It is noted that Lui failed to teach the use of a microchip as set forth therein. However, Kubo et al disclosed the use of a microchip in a toy for producing at least one audio or visual output (see column 3, lines 31-51). Therefore, it would have been obvious to one of ordinary skill in the art to modify the wobble head of Lui with the microchip as taught by Kubo et al for the purpose of providing the wobble head with a identifiable persona.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lui in view of Craighead et al.

It is noted that Lui failed to teach a slot on a top surface of a base as set forth therein. However, such support base is well known in the art as evidenced by base (11) with at least one slot for supporting an image (13) of Craighead et al. Therefore, it would have been obvious to one of ordinary skill in the art to substitute the base (22) of Lui with the base with at least one slot of Craighead et al for the purpose of providing an alternate support base.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kien T. Nguyen
Primary Examiner
Art Unit 3711

Ktn